

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ESTECH SYSTEMS, INC.,

Plaintiff,

v.

BBVA USA,

Defendant.

C.A. 2:20-cv-00127-JRG

AGREED MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement, Plaintiff Estech Systems, Inc. (“Estech”) and Defendant BBVA USA (“Defendant”) have agreed to settle, adjust and compromise all claims in the above-captioned action. The parties, therefore, move this Court to dismiss the above-entitled cause and all claims by Estech against Defendant with prejudice to the re-filing of same and all claims by Defendant against Estech made therein without prejudice to the re-filing of same.

The parties further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

Dated: October 29, 2021

Respectfully submitted,

By: /s/ Fred I. Williams
Fred I. Williams
Texas State Bar No. 00794855
Michael Simons
Texas State Bar No. 24008042
WILLIAMS SIMONS & LANDIS PLLC
The Littlefield Building
601 Congress Ave., Suite 600
Austin, TX 78701
Tel: 512-543-1354
fwilliams@wsltrial.com

msimons@wsltrial.com

Todd E. Landis
State Bar No. 24030226
WILLIAMS SIMONS & LANDIS PLLC
2633 McKinney Ave., Suite 130 #366
Dallas, TX 75204
Tel: 512-543-1357
tlandis@wsltrial.com

John Wittenzellner
Pennsylvania State Bar No. 308996
WILLIAMS SIMONS & LANDIS PLLC
1735 Market Street, Suite A #453
Philadelphia, PA 19103
Tel: 512-543-1373
johnw@wsltrial.com

Attorneys for Plaintiff Estech Systems, Inc.

By: /s/ Benjamin E. Weed
Benjamin E. Weed (*admitted pro hac vice*)
Benjamin.weed@klgates.com
Gina A. Johnson (*admitted pro hac vice*)
gina.johnson@klgates.com
Farris Matariyeh (*admitted pro hac vice*)
farris.matariyeh@klgates.com
James Shimota (*admitted pro hac vice*)
jim.shimota@klgates.com
Amanda C. Maxfield (*admitted pro hac vice*)
amanda.maxfield@klgates.com
K&L GATES LLP
70 West Madison Street, Suite 3100
Chicago, IL 60602
Telephone: +1 312 372 1121
Facsimile: +1 312 827 8000

Melissa Smith (Texas Bar No. 24001351)
GILLAM & SMITH
303 South Washington Avenue
Marshall, Texas 75670
Telephone: +1 903 934 8450
Facsimile: +1 903 934 9257

Attorneys for Defendant BBVA USA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 29, 2021 the undersigned caused a copy of the foregoing document to be served on all counsel of record via the Court's CM/ECF system, pursuant to the Federal Rules of Civil Procedure.

/s/ Fred I. Williams
Fred I. Williams

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Defendant and counsel for Estech Systems, Inc. met and conferred, and all parties agree to filing the foregoing document as a joint notice.

/s/ Fred I. Williams
Fred I. Williams